

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROY ETTS, et al.,

Plaintiffs,

vs.

Civil Case No. 13-CV-11588

HON. MARK A. GOLDSMITH

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for Securitized Asset
Backed Receivables LLC Trust 2004-NCI,
Pooling and Servicing Agreement Dated as of
April, 2004, et al.,

Defendants.

ORDER DENYING THE MOTIONS TO DISMISS AS MOOT (DKT. 5 and 7)

On May 28, 2013, the Court entered an Order (Dkt. 6) stating that it had reviewed Defendant Deutsche Bank National Trust Company's motion to dismiss (Dkt. 5). The Court did not express any view regarding the merits of the motion to dismiss, but afforded Plaintiffs an opportunity to cure any purported pleading defects by granting Plaintiffs leave to file an amended complaint by June 11, 2013. The Court stated that if Plaintiffs filed an amended complaint, the Court would deny without prejudice the motion to dismiss as moot. After the Court entered its Order, Defendant Randall S. Miller & Associates P.C. filed, on the same day, a motion to dismiss the original complaint (Dkt. 7). On June 11, 2013, Plaintiffs filed an amended complaint (Dkt. 11).

Accordingly, because Plaintiffs have filed an amended complaint, the currently pending motions to dismiss (Dkts. 5 and 7) are denied as moot.

SO ORDERED.

Dated: June 12, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 12, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager